



PUBLIC NOTICE

Federal Communications Commission
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DA 02-1859

RELEASED: July 31, 2002

WIRELINE COMPETITION BUREAU SEEKS COMMENT ON VERIZON PETITION FOR EMERGENCY DECLARATORY AND OTHER RELIEF

WC DOCKET NO. 02-202

COMMENTS DUE: August 15, 2002
REPLY COMMENTS DUE: August 22, 2002

On July 24, 2002, Verizon filed a pleading styled as a “Petition for Emergency Declaratory and Other Relief,” in which it asks the Commission to provide “clear guidelines” to the industry that will allow carriers to protect their ability to obtain payment for services they render to other companies. Specifically, Verizon asks the Commission to: (1) allow carriers to revise tariffs to ensure against nonpayment; (2) support independent local exchange carriers’ efforts in the bankruptcy courts to obtain adequate assurance of payment for service rendered to customers in bankruptcy; (3) ensure that purchasers of bankrupt carriers’ existing service arrangements comply with the cure requirements of bankruptcy law; and (4) direct competitive local exchange carriers to provide the information necessary to coordinate carrier-to-carrier transfers.

We note that some of the issues raised by Verizon are being addressed in other Commission proceedings. Specifically, issues raised by Verizon regarding tariff provisions are being considered as part of a review of tariff changes filed by Verizon and other parties.¹ Issues raised by Verizon regarding cure requirements applicable to carriers in bankruptcy are being considered as part of a review of a petition for declaratory ruling filed by Winstar Communications, LLC,² and a counter-petition for declaratory ruling previously filed by Verizon.³ To the extent parties have already addressed the substantive issues raised in the instant

¹ Verizon Telephone Companies, Tariff FCC Nos. 1, 11, 14, and 16, Transmittal No. 226 (July 25, 2002).

² In the Matter of Winstar Communications, LLC’s Emergency Petition for Declaratory Ruling Regarding ILEC Obligations to Continue Providing Services, *Public Notice*, WC Docket No. 02-80 (rel. April 19, 2002).

³ In the Matter of Verizon’s Emergency Counter-Petition for Declaratory Ruling Regarding ILEC Obligations to Continue Providing Services, *Public Notice*, WC Docket No. 02-80 (rel. May 3, 2002).

Verizon petition in these other proceedings, they should only update their comments in this proceeding. Moreover, parties should note that our solicitation of comments in this proceeding will not preclude us from resolving these other proceedings prior to the completion of the comment cycle in this docket.

The Bureau seeks comment on Verizon's Petition for Emergency Declaratory Relief. Interested parties may file, by paper or electronically, comments concerning this matter on or before **August 15, 2002** and reply comments on or before **August 22, 2002**. All filings must reference **WC Docket No. 02-202**. If filing paper copies, send an original and seven (7) copies to the Commission Secretary, Marlene H. Dortch, Portals II, 445 12th Street, SW, Room TW-B204, Washington, DC 20554 and two copies to Janice M. Myles, Competition Policy Division, Portals II, 445 12th Street, SW, Room 5-C327, Washington, DC 20554. A courtesy copy should also be addressed to Qualex International, Portals II, 445 12th Street, SW, Room CY-B402, Washington, DC, 20554, telephone 202-863-2893, facsimile 202-863-2898, or via e-mail qualexint@aol.com.

Comments may also be filed using the Commission's Electronic Comment Filing System ("ECFS"). Comments filed through the ECFS can be sent as an electronic file via the Internet to: [<http://www.fcc.gov/e-file/ecfs.html>](http://www.fcc.gov/e-file/ecfs.html). If using this method, please reference the Docket number, **WC Docket No. 02-202**, in the Proceeding block. In completing the transmittal screen, commenters should include their full name, postal service mailing address, and the applicable docket or rulemaking number(s). Generally, only one copy of an electronic submission must be filed. Parties may also submit an electronic comment by Internet e-mail. To get filing instructions for e-mail comments, commenters should send an e-mail to ecfs@fcc.gov, including "get form<your e-mail address>" in the body of the message. A sample form and directions will be sent in reply. After filing your comments electronically, please send an e-mail to Janice M. Myles, jmyles@fcc.gov, indicating that comments have been filed.

This is a "permit-but-disclose" proceeding for purposes of the Commission's *ex parte* rules.⁴ As a "permit but disclose" proceeding, *ex parte* presentations will be governed by the procedures set forth in section 1.1206 of the Commission's rules applicable to non-restricted proceedings.⁵ Parties making oral *ex parte* presentations are reminded that memoranda summarizing the presentation must contain a summary of the substance of the presentation and not merely a listing of the subjects discussed. More than a one or two sentence description of the views and arguments presented is generally required.⁶ Other rules pertaining to oral and written presentations are set forth in section 1.1206(b) as well.

A copy of the petition will be available for public inspection and copying during regular business hours at the FCC Reference Information Center, Portals II, 445 12th Street, SW, Room

⁴ See generally 47 C.F.R. §§ 1.1200 - 1.1216.

⁵ 47 C.F.R. § 1.1206.

⁶ 47 C.F.R. § 1.1206(b)(2).

CY-A257, Washington, DC, 20554. A copy of the petition may also be found by searching the ECFS at <http://www.fcc.gov/e-file/ecfs.html> (insert 02-202 into the Proceeding block).

For further information contact Janice M. Myles, jmyles@fcc.gov, Competition Policy Division, Wireline Competition Bureau, (202) 418-1580, or Pamela Arluk, parluk@fcc.gov, Competition Policy Division, Wireline Competition Bureau, (202) 418-1471.

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